

1. On November 8, 2018, Defendants David and Christine Seaman, individually and as Parents and Natural Guardians of C.S., a minor, served a Request for Production of Documents Pursuant to Rule 26(d)(2), attached as **Exhibit 1**, seeking “a complete copy of the investigation file of the Butler County District Attorney’s Office of or concerning the parties to this action including video recordings of testimony by all witnesses.”

2. David and Christine Seaman, individually and on behalf of their minor daughter, subsequently filed Rule 12 Motions seeking dismissal of the Complaint in its entirety, with prejudice. All other Defendants, except David and Lynn Reina, individually and as Parents and Natural Guardians of H.R., a minor, filed Rule 12 motions.

3. Plaintiffs’ counsel believes that production of the requested investigative file is premature in light of the pending Rule 12 Motions, and in addition, may lead to the disclosure of information which may be inappropriate for disclosure in light of the fact that four (4) Defendants and one (1) Plaintiff are minors.

4. Counsel for the parties engaged in an email discussion regarding disclosure of these materials on December 4, 2018. Plaintiffs’ counsel believes that defense counsel are amenable to an Order restricting dissemination of the documents to defense counsel, their employees, and their third-party consultants and experts. Plaintiffs’ counsel is concerned that because David and Lynn Reina, individually and as Parents and Natural Guardians of H.R., a minor, are unrepresented, disclosure of the documents to them is likely to result in disclosure of the documents to the entire world via the internet.

5. Plaintiffs' counsel believes that it is prudent and in the interest of the judicial economy to seek a Protective Order prohibiting disclosure of the requested documents until the Court has disposed of the pending Rule 12 Motions.

6. Counsel for David and Christine Seaman, individually and on behalf of their minor daughter contest this Motion and object to the relief requested. The other defense attorneys have differing positions on the relief sought by Plaintiffs.

7. The Court may grant a Protective Order to protect a litigant from harassment or oppression that may result from public dissemination of information obtained through the discovery process. An Order prohibiting public dissemination does not implicate the First Amendment because discovery is a private process, not a public forum. **Seattle Times Co. v. Rhinehart**, 467 U.S. 20, 31-32 (1984). A Protective Order may also be granted where, as in this case, discovery carries a substantial risk of chilling the exercise of a Plaintiff's rights. **Rivera v. Nibco, Inc.**, 364 F.3d 1057, 1064-1074 (9th Cir. 2004), *cert. denied*, 161 L.Ed.2d 279 (2005).

WHEREFORE, the Plaintiffs, Michael Flood and Alecia Flood, individually and as Parents and Natural Guardians of T.F., respectfully request this Court enter the attached Protective Order regarding the aforescribed Rule 26(d)(2) request for production of documents.

Respectfully submitted,

Shenderovich, Shenderovich & Fishman, P.C.

By: /s/ Craig L. Fishman

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

All parties represented by counsel have been served by the Court's CM/ECF system. David Reina and Lynn Reina are unrepresented, and have been served with this document via email at the email addresses listed on their Waiver of the Service of Summons forms as follows:

Lynn Reina (shields148@hotmail.com)

David Reina (pghsteelers74@hotmail.com)

The unrepresented Defendants were also served via First Class United States Mail, postage prepaid, as follows:

Mr. David Reina
5A River Road
Pittsburgh, PA 15238

Ms. Lynn Reina
103 Green Gables Manor
Zelienople, PA 16063

Dated: December 6, 2018

/s/ Craig L. Fishman
Craig L. Fishman, Esquire
Attorney for Plaintiffs